



United States Mission to the OSCE

**Response to the Report by the
Representative on Freedom of the
Media, Mr. Miklos Haraszti**

As delivered by Chargé d' Affaires Kyle Scott
to the Permanent Council, Vienna
March 29, 2007

Thank you, Mr. Chairman.

Thank you, Mr. Haraszti, for your very comprehensive and thoughtful report today to the Permanent Council, and congratulations on your well-deserved re-appointment to a second term as Representative for Freedom of the Media. The work that you and your office do is vital to the OSCE and to the promotion of the values of media freedom and pluralism to which all 56 participating States have subscribed.

The United States appreciates your energy and willingness to raise a voice wherever and whenever needed to uphold the rights of journalists and to signal concern when media freedom is infringed. Moreover, you have shown your eagerness and dedication, time after time, to work positively with the governments and representatives of civil society of all our participating States to advance media-freedom best practices and to strengthen understanding of the legitimate role that free media play in any healthy and successful country.

You have given us today a very complete picture of the issues that journalists and media organizations face in all our participating states—north, south, east, and west of Vienna.

Of greatest concern are situations where the lives or physical well-being of journalists are under threat. We are distressed that in some participating States this is a real issue. We urge you to follow and report on these cases with unflagging zeal, casting a spotlight on the problem and continuing to call upon the governments of participating states to do everything within their means to assure the lives and safety of journalists.

Also of concern are those cases where freedom of expression or independence of media is endangered by restrictive or arbitrary action on the part of government. Your report documents several instances of concern, especially favoritism, discrimination, and misuse of libel law and exaggerated registration requirements. On the latter point, your special report, "Registration of Print Media in the OSCE Area," makes a very useful and clear distinction between good practices regarding notification by a media organization that it exists versus any registration process requiring approval of its right to exist by a government agency.

The report's conclusion is worth restating:

“It is inappropriate for a democratic society with free media to impose an ‘approval’ procedure, with its inherent arbitrariness, on the print media... Registration procedures, where they still exist, should be de-politicized and transformed into a simple notification system.”

We thank you for this contribution to common understanding in the OSCE region and for your tireless promotion of best practices and practical guidance, and look forward with interest to the handbook that your office is developing on media self-regulation practices as an antidote to governmental policing of journalistic standards. Similarly, the regional media conferences that your office conducts to help independent media develop in Central Asia and the Caucasus are a positive contribution in fulfillment of your mandate.

Thank you, too, for your interest in proposed “shield” legislation at the federal level in the United States that would extend to reporters the privilege to protect confidential sources. The United States has some of the strongest protections of freedom of expression and of press in the world and, as you note, many of the fifty states of our American union provide some form of shield protection already. However, journalistic shield laws do not necessarily protect journalists from being required to testify to or to produce evidence of crimes that they themselves have witnessed directly. The one case you cite in your report of a young man being held in jail for contempt of court relates to this situation. From the known facts in the case, protection of privileged sources of information does not appear to be at issue, only refusal to provide the court with videotaped evidence of a crime. In the eyes of the court, this has not qualified as an issue in which journalistic freedom is at stake.

Mr. Haraszti, your office exists because freedom is not free. It has to be won, and won over and over again, by brave men and women who take risks to report the truth because of their love of liberty. Every society needs its Anna Politovskayas, whose example inspires others. We must honor and try to protect journalists who remain true to their ideals, despite violence, intimidation and the threat of murder, and we must work together to foster free, professional, and pluralistic media throughout our region.

So, the United States encourages you to keep up your good work. Defend the rights of journalists, challenge restrictions on the growth of independent media, promote best practices that lead to pluralism and greater professionalism, help keep the Internet free, and continue to work with governments and civil society to expand media freedom with every legitimate means at your disposal

Thank you, Mr. Chairman.